

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Civil No. 06-cv-322-JM

Seventeen Thousand Dollars (\$17,000)
In U.S. Currency, More or Less

O R D E R

The United States moves to strike claimant's claim and answer in this in rem action as a sanction under Fed. R. Civ. P. 37(b).

Background

On December 14, 2006, plaintiff served interrogatories and requests for documents on defendant by serving them on his attorney. After several follow-up requests were ignored plaintiff filed a Motion to Compel (document no. 15). No objection or response was made. The court ordered responses to the discovery within ten business days. No responses were made. The motion for sanctions followed and claimant has failed to respond to the motion.

Discussion

Fed. R. Civ. P. 37(b)(2) authorizes the court to strike pleadings or enter a default against a party for failure to

comply with a discovery order. The appropriate sanction in an asset forfeiture case is to strike the claimant's claim and answer. See United States v. \$61,980.00 in U.S. Currency, 2004 WL 3048843 at *2 (D. Kan. Dec. 30, 2004). After nine months of refusal of discovery and direct flouting of the court's order, it is clear that claimant has no intention of complying with the Federal Rules of Civil Procedure or court orders. His claim and answer are stricken.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: July 11, 2007

cc: David A. Horan, Esq.
Robert J. Rabuck, Esq.